

REMARKS:

Claim 47 is rejected under 35 U.S.C. § 102(a) as being anticipated by Behrens et al., Science vol. 280, April 24, 1998, pages 596-599. The cited publication lists nine co-authors. The present application has two joint inventors, Jürgen Behrens and Walter Birchmeier, who are also the first and last of the nine co-authors of the cited publication, respectively.

Submitted herewith is a Declaration by Jürgen Behrens and Walter Birchmeier under 37 C.F.R. 1.132, stating that the cited publication is describing Applicants' own work and that the other seven co-authors of the cited publication are named as co-authors for being involved in testing procedures under Applicants' direction and supervision but are not co-inventors of the subject matter claimed in the present application. Therefore, the present invention is not anticipated by the cited publication under 35 U.S.C. § 102(a) because the present invention was not known or used by others in this country, or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for patent.

In view of the foregoing, Applicants respectfully submit that the claim rejection under 35 U.S.C. § 102(a) is overcome and withdrawal thereof is respectfully requested. Favorable consideration and allowance of claims 47-51 is respectfully requested.

Should the Examiner require or consider it advisable that the specification and/or claims be further amended or corrected in formal respects in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

The Commissioner is authorized to charge any required fees, including the RCE, extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

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Respectfully submitted,



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